

REMARKS

This submission is in response to the Official Action dated December 17, 2003. Reconsideration of the above identified application, in view of the above amendments and the following remarks, it is respectfully requested.

I. Status of the Claims

Claims 1-20 are pending in the application.

II. Acknowledgment of Allowable Subject Matter

Applicants thank the Examiner for the acknowledgment of allowable subject matter in claims 10-12, 19 and 20.

III. Rejections Under 35 U.S.C. § 103

Claims 1-3 and 7-9 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,796,056 to Bredow et al. (“Bredow”) in view of U.S. Patent No. 6,603,806 to Kawaguchi et al. (“Kawaguchi”) and U.S. Patent No. 6,489,580 to Yanai et al. (“Yanai”). Claims 4-6 are rejected under 35 U.S.C. § 103(a) as unpatentable over Bredow in view of Kawaguchi and Yanai, and further in view of U.S. Patent No. 5,719,361 to Lee. Claims 13, 14, 17, and 18 are rejected under 35 U.S.C. § 103(a) as unpatentable over Bredow in view of Yanai. Applicants note that the Examiner did not address claims 15 and 16 and respectfully request the status of claims 15 and 16.

Regarding the rejections to claims 1-3 and 4-9, the Examiner states that Bredow discloses two individual switch elements, each element having two terminals, Kawaguchi discloses a three

point switch with a common contact point and Yanai discloses a single switch where the terminals are side by side. The Examiner contends that it would be obvious to combine the three references to form the claimed invention. Further, the Examiner states that Lee discloses domes have identical load characteristics.

Applicants respectfully traverse the Examiner's rejection in that the Examiner has not set forth a *prima facie* case of obviousness. The references do not teach or motivate one of ordinary skill in the art to make the claimed invention. Further, Applicants respectfully submit that the Examiner is improperly using hindsight to reject the claims. The Examiner states that Bredow discloses a double action push switch including a first plate member 20 and a second plate member 30 side by side with the first plate member and both Kawaguchi and Yanai disclose tact switches containing other elements as recited in the claims. Applicants submit that if one of ordinary skill in the art is motivated to combine the references, then one of ordinary skill would add the elements of Kawaguchi and Yanai to both switch elements 20 and 30. The Examiner's contended combination results in two three point switches, a three point configuration for switch element 20 and a three point configuration for switch element 30. The Examiner's combination does not result in the first and second switch elements 20, 30 abutting a common terminal. Bredow discloses

Several distancing elements ("spacers") 80, 81, 82 are located between the plastic diaphragm 50 and the circuit board 70 which, on the one side, limit the contact travel of the pressure plate 11 downwardly, on the other side define switching conduits K1, K2, which are used for the secure guidance of the protrusions 50A, 50B of the plastic diaphragm from the rest position to the switching position. These switching conduits are in particular embodied to be downwardly tapering (in the shape of a truncated cone), so that assured centering and precise determination of the switching time is made easier.

Bredow, column 5, lines 29-39. Bredow's Figure 2 illustrates that spacer 80 separates switch elements 20 and 30 and teaches one of ordinary skill that the separation of switch elements 20 and

30 is preferred to assure “centering and precise determination of the switching time.” Bredow, column 5 lines 38-39. Thus, Bredow teaches away from placing the two switch elements in such proximity wherein the ends of the domes of each switch element 20, 30 can contact the same terminal. One of ordinary skill in the art is taught away from spanning both switch elements and would incorporate the three point configuration of Kawaguchi and Yanai’s side by side configuration into each switch element 20 and 30.

Kawaguchi only discloses a three point switch using a single domed contact and teaches away from using multiple domed contacts for a single three point switch. One of ordinary skill in the art is taught by Kawaguchi that a three point switch can be made using one domed contact and is taught away from adding an additional domed contact to obtain a three point switch. Yanai discloses a switch using a single domed contact and does not teach or motivate one to form a three point switch and further does not teach a three point switch with two domed contacts. Additionally, Lee does not provide the teaching or motivation lacking from Bredow, Kawaguchi, and Yanai.

Thus, one of ordinary skill in the art is taught away from or not motivated toward the claimed switch including two plate members forming a three point switch without the teachings of the present disclosure. Applicants respectfully submit that the present rejection be withdrawn.

Regarding the rejection of claims 13, 14, 17, and 18, Applicants respectfully traverse the Examiner’s rejection in that the Examiner has not set forth a *prima facie* case of obviousness. The references do not teach or motivate one of ordinary skill in the art to make the claimed invention. Further, Applicants respectfully submit that the Examiner is improperly using hindsight to reject the claims.

Claim 13 recites

a first push switch and a second push switch ... respectively comprising a first key top and a second key top, and a first plate member and a second plate member of a domed shape with centers that bulge towards said first and second key tops; and an outer key top disposed opposite said first and second key tops, ... wherein a pressing force applied to ... said outer key top causes said first and second pressing portions of said outer key top to press said first and second key tops.

Applicants agree with the Examiner that Bredow does not disclose a first and second key top for inverting the first and second plate members. Additionally, Yanai only teaches a tact switch with a single operating body 29. Operating part 29C of operating body 29 protrudes through opening 30A of cover 30. *See*, Yanai, column 5, lines 23-28. Neither reference teaches the use of three key tops.

Further, one of ordinary skill in the art recognizes that Bredow's protrusions 50A and 50B can operate Yanai's domed contact 27 and would remove Yanai's operating body 29 to streamline the design of the switch and provide for less parts. One of ordinary skill in the art is not motivated to increase the complexity of a simple switch without teachings or suggestions to do so. Neither Bredow nor Yanai disclose or motivate one of ordinary skill in the art to provide three key tops when one key top is taught and suggested by both references.

Furthermore, neither Bredow nor Yanai disclose or motivate one of ordinary skill in the art to provide a key top inside a case. Both Bredow's actuating element 10 and Yanai's operating body 29 are disposed so a portion of the part projects outward of their respective covers. *See*, Bredow, column 5, lines 3-8 and *see*, Yanai, column 5, lines 25-28. Also, neither reference teaches or suggests a first and second key top activated by an outer key top.

Given the above, one of ordinary skill in the art is not taught or motivated to combine Bredow and Yanai to form the presently claimed invention. Applicants respectfully request the Examiner to withdraw the rejection.

CONCLUSION

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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